

### REMARKS

Claims remaining in the present patent application are numbered 1-20, 22-24. Claim 24 is new. No new matter has been added. The rejections and comments of the Examiner set forth in the Office Action dated October 22, 2003 have been carefully considered by the Applicants. Applicants respectfully request the Examiner to consider and allow the remaining claims.

### Newly Allowable Subject Matter

Applicant wishes to thank the Examiner for the indication that Claims 17-19 would be allowable if rewritten in independent form including the limitations of their base claim and any intervening claims.

Applicant has herein added new Claim 24. Claim 24 includes the limitations of Claims 17, which was denoted to be allowable on Page 5 of the present Office Action if Claim 17 was rewritten in independent form to include the limitations of its base claim and any intervening claims. Hence, Applicant respectfully submits that Claim 24 is allowable.

### 35 U.S.C. §112 Rejection

Claims 5-6 and 22 are rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and

distinctly claim the subject matter which Applicants regard as the invention. Applicants have herein amended Claim 1 to specify how the sleeves and wings expand and contract to address the objections of Claims 5 and 6. In addition, Applicants have amended Claim 22 as suggested by the Examiner to include "pushing or pulling" to address the objection of Claim 22. Applicants respectfully request review and approval of these amendments.

35 U.S.C. §102 Rejection

The present Office Action rejected Claims 1-4, 7-16, 20-21, and 23 under 35 U.S.C. 102(e) as being anticipated by Kokubo et al. (U.S. Patent No. 6,385,154). Applicants have reviewed the above cited references and respectfully submit that the present invention as recited in Claims 1-20 and 22-24 is neither anticipated nor rendered obvious by the Kokubo et al. reference.

Independent Claim 1

Applicants respectfully point out that independent Claim 1 recites that the present invention includes, in part:

A scalable optical disc player comprising:

. . .

a top and bottom set of wings, each wing pivotally couples to the respective mounting post and including a guide pin, wherein said top and

bottom set of wings expand away from respective sides of the player and contract towards respective sides of the player; and

a top and bottom sleeve movably coupled between the respective cover and pair of wings, each sleeve includes a pair of guide slots being positioned to receive each respective guide pin of each wing, wherein said top and bottom sleeves expand a front side away from the back side and contract the front side towards the back side.

(Emphasis Added)

The present invention pertains to a scalable and portable disc player that can be adjusted to accommodate various optical disc sizes. In particular, independent Claim 1, as amended, discloses a scalable player that expands and contracts along three sections of a player. Specifically, independent Claim 1 discloses a top and bottom set of wings that expand and contract away from and towards respective sides of the player. In addition, independent Claim 1 discloses top and bottom sleeves that expand and contract a front side of the player away from and towards a back side of the player.

Applicants respectfully note that the prior art reference, Kokubo et al., does not comprise nor suggest the present scalable optical disc player that expands and contracts towards along three sections of the player, two sides and a front side, as claimed in independent Claim 1 of the present invention. In contrast to independent Claim 1 of the present invention, the Kokubo et al. reference discloses

a case that includes a bottom cover, bottom slider, top cover, and bottom slider that may be extended or retracted. In particular, the top and bottom covers and top and bottom sliders can only expand and contract a front side of the case towards a back side of the case and away from the back side of the case. That is, only the front side of the case is expandable and contractible in the Kokubo et al. reference. The Kokubo et al. reference is distinct from the preset invention which discloses an expansion and contraction of a player on two sides of the player and a front side of the player, as disclosed in independent Claim 1 of the present invention.

Thus, Applicants respectfully submit that the present invention as disclosed in independent Claim 1 is not anticipated by the Kokubo et al. reference, and is in a condition for allowance. In addition, Applicants respectfully submit that Claims 2-11 which depend from independent Claim 1 are also in a condition for allowance as being dependent on an allowable base claim.

#### Independent Claim 12

Applicants respectfully point out that independent Claim 12 recites that the present invention includes, in part:

A portable disc player having a casing for containing various disc sizes, the casing comprising:

a top and bottom shell movably attached to allow the insertion and removal of the disc within a cavity of the casing;

a data transfer device ("DTD") attached to the bottom shell for transferring data; and

a mechanism for scaling the overall size of the player along two sides of the player and a front side of the player to accommodate disc size, wherein the two sides connect a back side and the front side of the casing. (Emphasis Added)

The present invention pertains to a scalable and portable disc player that can be adjusted to accommodate various optical disc sizes. In particular, independent Claim 12, as amended, discloses a portable disc player that expands and contracts along three sections of the player. Specifically, independent Claim 12 discloses a mechanism that scales the overall size of the player along two sides of the player and a front side of the player to accommodate disc size.

Applicants respectfully note that the prior art reference, Kokubo et al., does not comprise nor suggest the present scalable portable disc player that expands and contracts towards along three sections of the player, two sides and a front side, as claimed in independent Claim 12 of the present invention. For analogous arguments set forth above in relation to independent Claim 1, the Kokubo et al. reference discloses a case that only expands and contracts a

front side of the case away from and towards a back side of the case. That is, only the front side of the case is expandable and contractible in the Kokubo et al. reference. The Kokubo et al. reference is distinct from the preset invention which discloses an expansion and contraction of a player on two sides of the player and a front side, as disclosed in independent Claim 12 of the present invention.

Thus, Applicants respectfully submit that the present invention as disclosed in independent Claim 12 is not anticipated by the Kokubo et al. reference, and is in a condition for allowance. In addition, Applicants respectfully submit that Claims 13-19 which depend from independent Claim 12 are also in a condition for allowance as being dependent on an allowable base claim.

#### Independent Claim 20

Applicants respectfully point out that independent Claim 20 recites that the present invention includes, in part:

A process for containing an optical disc within a casing of a portable disc player or recorder having a case scaling mechanism, the process comprising:

adjusting the size of the casing to accommodate the relative size of the disc along two sides and a front side of the casing, wherein the two sides connect a back side and the front side of the casing . . . (Emphasis Added)

The present invention pertains to a scalable and portable disc player that can be adjusted to accommodate various optical disc sizes. In particular, independent Claim 20, as amended, discloses a process for containing an optical disc within a casing having a case scaling mechanism. Specifically, the case scaling mechanism discloses adjusting the size of the casing along two sides and a front side of the casing to accommodate a relative size of a disc.

Applicants respectfully note that the prior art reference, Kokubo et al., does not comprise nor suggest the present process for containing an optical disc within a casing that expands and contracts towards along three sections of the player, two sides and a front side, as claimed in independent Claim 20 of the present invention. For analogous arguments set forth above in relation to independent Claims 1 and 12, the Kokubo et al. reference discloses a case that only expands and contracts a front side of the case away from and towards a back side of the case. That is, only the front side of the case is expandable and contractible in the Kokubo et al. reference. The Kokubo et al. reference is distinct from the present invention which discloses a process for containing an optical disc within a casing that expands and contracts towards along three sections of the player, two sides and a front side, as disclosed in independent Claim 20 of the present invention.

Thus, Applicants respectfully submit that the present invention as disclosed in independent Claim 20 is not anticipated by the Kokubo et al. reference, and is in a condition for allowance. In addition, Applicants respectfully submit that Claims 22 and 23 which depend from independent Claim 20 are also in a condition for allowance as being dependent on an allowable base claim.

#### CONCLUSION

In light of the facts and arguments presented herein, Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-20 and 22-24 overcome the rejections of record. Therefore, Applicants respectfully solicit allowance of these claims.



The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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Date: \_\_\_\_\_

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~~2/28/04~~



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